

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 610 – Anti-Spam Legislation (LSB 2239 HV)
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Fiscal Note Version - New

Description

House File 610 relates to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the solicitation of the purchase of a prescription drug, and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet. House File 610 imposes penalties for a variety of actions, including simple misdemeanors, aggravated misdemeanors, Class D felonies, and a Class B felony. The Bill also permits civil remedies. The Bill also repeals Chapter 714E, Code of Iowa.

Background

1. Chapter 714E, Code of Iowa, relates to electronic mail transmissions and provides civil remedies in certain instances.
2. House File 610 creates new crimes. There are no data with which to project the impact of the Bill.

Assumptions

1. The average State costs for one simple misdemeanor conviction ranges from \$14 (court costs) to \$270 (court costs plus indigent defense).
2. The average State costs for one aggravated misdemeanor conviction ranges from \$1,100 (court costs and probation) to \$5,700 (court costs including a jury trial, indigent defense, prison, and parole).
3. The average State costs for one Class D felony conviction ranges from \$2,800 (court costs, probation, and indigent defense) to \$12,000 (court costs including a jury trial, indigent defense, prison, and parole).
4. The average State cost for one Class B felony conviction ranges from \$5,200 (court costs, indigent defense, and probation) to \$54,000 (court costs including a jury trial, indigent defense, prison, and parole).
5. These costs may be incurred over multiple fiscal years, as the trial occurs and the criminal sentence is served.
6. The average cost for one civil proceeding is approximately \$5,200 for the Judicial Branch.
7. The average cost for one forfeiture proceeding is approximately \$132 for the Judicial Branch.
8. It is anticipated that there will be no significant fiscal impact on the Office of the Attorney General.

Correctional Impact

The creation of a new offense carries the potential for a correctional impact on court caseloads, prisons, county jails, and Community-Based Corrections (CBC) resources. Depending upon the location of offenders (within Iowa or not) and law enforcement and prosecution activities, there may be a significant increase in the number of aggravated misdemeanor and Class D felony convictions. However, due to a lack of information, that impact cannot be estimated.

Fiscal Impact

The fiscal impact of HF 610 cannot be determined due to insufficient information.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Judicial Branch
Office of the State Public Defender
Office of the Attorney General

/s/ Holly M. Lyons

March 9, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
